

# Order

Michigan Supreme Court  
Lansing, Michigan

October 3, 2006

Clifford W. Taylor,  
Chief Justice

ADM File No. 2006-17

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

Amendment of  
Rule 5.744 of the  
Michigan Court Rules

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On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 5.744 of the Michigan Court Rules is adopted, effective January 1, 2007.

[Additions are indicated in the text that follows by  
underlining and deletions by strikeouts.]

Rule 5.744 Proceedings Regarding Hospitalization Without a Hearing ~~the Modification of an Order That Provided for an Alternative Treatment Program~~

- (A) Scope of Rule. This rule applies to any proceeding involving an individual hospitalized without a hearing as ordered by a court or by a psychiatrist ~~that results in a modification of an order without a hearing~~ and the rights of an ~~that~~ individual ~~transferred to a hospital as a result of such a modification.~~
- (B) Notification. ~~The~~ A notification requesting an order of hospitalization or a notification requesting a ~~or of~~ change in an alternative treatment program, a notice of noncompliance, or a notice of hospitalization as ordered by a psychiatrist, must be in writing.
- (C) Service of Papers. If the court enters a new or modified order without a hearing, the court must serve the individual with a copy of that order. If the order includes hospitalization, the court must also serve the individual with notice of the right to object and demand a hearing.
- (D)-(E) [Unchanged.]

Staff Comment: The amendment of MCR 5.744 expands the scope of the rule to more accurately reflect the procedures delineated in MCL 330.1474, 330.1474a, 330.1475, and 330.1475a.

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 3, 2006

*Corbin R. Davis*

Clerk